

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RAYMOND P. MARIOLLE,
Plaintiff,

No. C 09-1209 MMC
No. C 09-4250 MMC

v.

VOLVO GROUP NORTH AMERICA, INC., et
al.,
Defendants.

**ORDER STRIKING PLAINTIFFS'
AMENDED COMPLAINTS FOR
FAILURE TO COMPLY WITH
FEDERAL RULES**

REGINA LYNN MARIOLLE,
Plaintiff,

v.

VOLVO GROUP NORTH AMERICA, INC., et
al.,
Defendants.

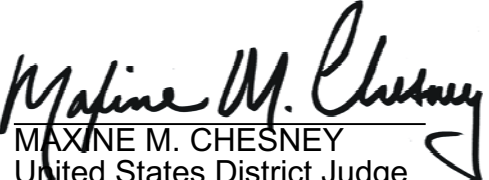
On May 21, 2010, Plaintiffs Raymond P. Mariolle and Regina Lynn Mariolle filed, respectively, their First Amended Complaint and Second Amended Complaint. Plaintiffs, however, have failed to comply with Rule 10(a) of the Federal Rules of Civil Procedure, in that they omitted the names of the newly-added defendants, Labrie Environmental Group and Wittke Waste Equipment, from the captions of said pleadings. See Fed. R. Civ. P.

1 Rule 10(a) (providing "title of the complaint must name all the parties"); see also Ferdick v.
2 Bonzelet, 963 F.2d 1258, 1260, 1263 (9th Cir. 1992) (holding plaintiff failed to comply with
3 Rule 10(a) where caption of amended complaint identified all but one defendant by "et al.";
4 affirming dismissal where plaintiff failed to file conforming amended complaint within time
5 provided by court's order).

6 Accordingly, the above-referenced amended complaints are hereby STRICKEN, and
7 plaintiffs are hereby directed to file, respectively and no later than June 16, 2010, a First
8 Amended Complaint and Second Amended Complaint that conform to the requirements of
9 Rule 10(a).

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11 **IT IS SO ORDERED.**

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13 Dated: June 14, 2010

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15 MAXINE M. CHESNEY
16 United States District Judge
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